upon, pursuant to the rules, to cite a reference to support that position.

Absent a prima facie obviousness case, the applicant is under no obligation to respond whatsoever. See M.P.E.P. §2142. Three criteria must be met to establish a prima facie case of obviousness. See M.P.E.P. §2143 "Establishing a Prima Facie Case of Obviousness." Firstly, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine the reference teachings. Here, the cited reference simply has no bearing on the claimed invention. Therefore, there is no teaching from any reference or knowledge proven to be generally available to one of ordinary skill in the art to modify the reference.

For example, the Examiner asserts that the claimed invention would save costs. It is then asserted that this advantage is the motivation to modify. The problem is that this motivation is not one that came from the prior art. Clearly, this motivation came with the benefit of hindsight reasoning from the applicants' invention. The applicants' invention is expressly precluded as being a source for the required motivation under U.S. patent law.

The Examiner must demonstrate that the motivation to save costs came out of the prior art, not with the benefit of hindsight reasoning. If every invention that had a good motivation were considered obvious (because it had a good motivation), no patents would ever be allowed.

The other requirements for a prima facie case, are a reasonable expectation of success and the prior art reference or references when combined must teach or suggest all of the claim limitations. Here the Feigin reference plainly fails. It is

agreed that Feigin simply does not teach all of the claim limitations. It is then inappropriate to assert advantages of the claimed invention and to thereby argue that because the claimed invention has advantages (which are nowhere suggested in Feigin or any other cited art), the invention is obvious.

Here the claimed invention provides, in effect, an automated system to provide inventory allocations in response to online transactions. No teaching whatsoever is provided to substantiate a rejection of the claims.

Claim 2 calls for maintaining a count of available inventory allocation in decrementing the count with each on-line transaction. Again, this element is nowhere seen in the cited art.

Claim 3 calls for receiving a dedicated inventory allocation by receiving an inventory allocation from a remote site. Feigin simply does not teach such a structure.

Likewise, the remaining dependent claims are nowhere suggested in the cited art.

Claim 10 is a Beauregard claim which corresponds to claim 1. For the reasons described above, claim 10 and its dependent claims patentably distinguish over the art.

Claim 19 calls for a system including a server that completes on-line transactions in a memory that stores an inventory allocation. The claim calls for the server to decrement the inventory allocation with each transaction, monitor the inventory allocation and automatically request an additional inventory allocation. Again, it is plain that there is no support for any of these elements being part of the prior art in the references currently cited.

Claim 23 calls for providing inventory allocation, receiving a request for additional dedicated inventory

allocation and providing the additional dedicated inventory allocation. As described above, the idea of dedicated inventory allocation and its replenishment is nowhere taught in the cited art. Therefore, claim 23 and the claims dependent thereon should be in condition for allowance. For the same reasons, claims 26-30 should likewise be allowable.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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